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1/10/2020 12:45 pm

U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
JAMES BATISTA,

Plaintiff,

-against-

MEDICAL DIRECTOR, Suffolk County Jail;  
DR. LING LU, Physician, Suffolk County Jail;  
WARDEN, Suffolk County Jail; COUNTY OF  
SUFFOLK,

Defendants.

-----X  
**AZRACK, District Judge:**

Before the Court is the application of then-incarcerated *pro se* plaintiff James Batista (“Plaintiff”) to proceed *in forma pauperis*. Upon review of the declarations accompanying Plaintiff’s application to proceed *in forma pauperis*, the Court finds that Plaintiff’s financial status qualifies him to commence this action without prepayment of the filing fee. See 28 U.S.C. § 1915(a)(1). Accordingly, Plaintiff’s application to proceed *in forma pauperis* is GRANTED.

IT IS HEREBY ORDERED that Plaintiff is granted leave to file the complaint without prepayment of the filing fee or security; and

IT IS FURTHER ORDERED that the Clerk of Court must forward to the United States Marshal Service for the Eastern District of New York (“USMS”) a copy of Plaintiff’s summonses, complaint and this Order for service upon the defendants without prepayment of fees.

However, the USMS will not be able to serve the unnamed defendants without more information. Pursuant to Valentin v. Dinkins, 121 F.3d 72, 75–76 (2d Cir. 1997) (per curiam), the Court requests that the Suffolk County Attorney ascertain the full names and service addresses of the unnamed defendants. Accordingly, the Clerk of the Court shall serve a copy of the complaint together with this order on the Suffolk County Attorney and the Suffolk County

Attorney's Office is requested to ascertain the full names of the unidentified individuals described in the complaint as the Medical Director and the Warden of the Suffolk County Correctional Facility and to provide their names and address(es) where each such defendant can be served to the Court and to Plaintiff within thirty (30) days of the date that this Order is served upon it.

The Suffolk County Attorney need not undertake to defend or indemnify these individuals at this juncture. This Order merely provides a means by which the Plaintiff may name and properly serve the defendants as instructed by the Second Circuit in Valentin. Once the information is provided to the Court by the Suffolk County Attorney's Office, Plaintiff's complaint shall be deemed amended to reflect the full names of the unnamed defendants, summonses shall be issued as to those defendants, and the USMS shall serve those defendants.

IT IS FURTHER ORDERED that the Clerk of Court must mail a copy of this Order to the Plaintiff at his last known address.

**SO ORDERED.**

Dated: January 10, 2020  
Central Islip, New York

/s/ (JMA)  
Joan M. Azrack  
United States District Judge